

REMARKS

Claims 1, 3-7 and 10-19 are pending in this application. Claims 1, 3-7 and 10 have been amended. Claims 2, 8 and 9 have been canceled without prejudice or disclaimer.

Claim 1 has been amended to recite "a medicine pack, comprising a plurality of blister units, said blister units each having a protective case, with a blister strip located therein, the blister strip being fixedly connected to the protective case, and the protective case being able to be unfolded or opened out, and an outer package for receiving the blister units, wherein the outer package has resilient tabs in the inside as a means for retention of the pack content." Support for amended claim 1 can be found throughout the specification and claims as originally filed, for example, at pages 8-15 of the present specification.

Claims 3-7 and 10 have been amended to correct minor typographical errors as well as to place the claims in proper US claim format. Support for the amendments to claims 3-7 and 10 can be found throughout the specification and claims as originally filed.

No new matter has been added.

In view of the remarks set forth herein, further and favorable consideration is respectfully requested.

I. At page two of the Official Action, claims 1-19 are rejected under 35 USC § 112, second paragraph as being indefinite.

The Examiner asserts that the claims 1-19 are indefinite for failing to conform to U.S. practice. Applicants take this opportunity to thank the Examiner for the

suggestions for overcoming the indefiniteness rejection of pending claims 1-19.

Applicants respectfully traverse this rejection. However, solely to remove the basis for this rejection, Applicants note that claim 1 has been amended to recite " a medicine pack, comprising a plurality of blister units, said blister units each having a protective case, with a blister strip located therein, the blister strip being fixedly connected to the protective case, and the protective case being able to be unfolded or opened out, and an outer package for receiving the blister units, wherein the outer package has resilient tabs in the inside as a means for retention of the pack content." Claims 2, 8 and 9 have been canceled without prejudice or disclaimer. Claims 3-7 and 10 have been amended to correct minor typographical errors as well as to place the claims in proper US claim format. Because these claims have been amended to clearly indicate the presently claimed subject matter, Applicants respectfully request that the Examiner reconsider and withdraw this rejection of pending claims 1-19.

II. At page 3 of the Official Action, claims 1-19 are rejected under 35 USC § 102(b or e) as being anticipated by or, in the alternative, under 35 USC § 103(a) as obvious over Parker (GB 2,250,978), Pora (U.S. Patent No. 5,242,055), Volckening et al. (U.S. Patent No. 2,801,002), Friberg et al. (U.S. Patent No. 6,024,222), Fry et al. (U.S. Patent Application No. 2005/0082194), Breu et al. (U.S. Patent Application No. 2005/0035023), Patterson (U.S. Patent No. 6,675,972), or ColDepietro et al. (U.S. Patent No. 6,273,260).

The Examiner asserts that each of the cited references describe medicine packs comprising a plurality of blister units, each blister unit comprising a protective case with a blister strip attached to the inside. The Examiner also asserts that some of the cited references describe blister units that can be fixed in an outer package. Further, if any of the cited references is later determined to be missing any features recited in any

pending claim, the Examiner is asserting that that it would have been obvious to provide such features to the devices described in the cited references to arrive at the presently claimed subject matter.

Regarding the anticipation rejection of claims 1-19 under 35 USC § 102(b or e), Applicants respectfully traverse this rejection. The test for anticipation is whether each and every element as set forth is found, either expressly or inherently described, in a single prior art reference. *Verdegaal Bros. v. Union Oil Co. of California*, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987); MPEP § 2131. The identical invention must be shown in as complete detail as is contained in the claim. *Richardson v. Suzuki Motor Co.*, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989); MPEP §2131. The elements must also be arranged as required by the claim. *In re Bond*, 15 USPQ2d 1566 (Fed. Cir. 1990).

Amended claim 1 is directed to a medicine pack, comprising a plurality of blister units, the blister units each having a protective case, with a blister strip located therein, the blister strip being fixedly connected to the protective case, and the protective case being able to be unfolded or opened out, and an outer package for receiving the blister units, wherein the outer package has resilient tabs in the inside as a means for retention of the pack content. Claims 2, 8 and 9 have been canceled without prejudice or disclaimer. Claims 3-7, 10-14 and 19 all depend, either directly or indirectly, from claim 1.

Claim 15, as originally filed, is directed to a medicine pack comprising a plurality of blister units, said blister units each having a protective case, with a blister strip located therein, the blister strip being fixedly connected to the protective case, the protective case being able to be unfolded or opened out, and also an outer package for

receiving the blister units, the outer package having a device for reclosing the outer package and a film as wrapper.

Claim 16, as originally filed, is directed to a medicine pack comprising a plurality of blister units, said blister units each having a protective case, with a blister strip located therein, the blister strip being fixedly connected to the protective case, the protective case being able to be unfolded or opened out, and also an outer package for receiving the blister units, the outer package having a base box with resilient tabs and a film as wrapper.

Claim 17, as originally filed, is directed to a medicine pack comprising a plurality of blister units, said blister units each having a protective case, with a blister strip located therein, the blister strip being fixedly connected to the protective case, the protective case being able to be unfolded or opened out, and also an outer package for receiving the blister units, the outer package having a base box with resilient tabs, a device for reclosing the outer package, and a film as wrapper.

Claim 18, as originally filed, is directed to a medicine pack comprising a plurality of blister units, said blister units each having a protective case, with a blister strip located therein, the blister strip being fixedly connected to the protective case, and the protective case being able to be unfolded or opened out, and also an outer package for receiving the blister units, the outer package having a base box with resilient tabs, a device for reclosing the outer package, which can be detached from the rest of the outer package, and a film as wrapper.

Applicants respectfully submit that none of the cited references describe each and every element of the presently claimed subject matter, as required for anticipation

under 35 USC § 102(b or e).

Parker does not describe each and every element of the presently claimed subject matter. Parker is directed to a blister packaging arrangement having fold lines, such that a first and second area can be folded to lay one area above the other. According to Parker, a dispensing package may be arranged to accommodate a predetermined number of folded second blister packaging arrangements. See Parker at the abstract. Applicants respectfully submit that, in contrast to the presently claimed subject matter, Parker describes a blister packaging arrangement for pharmaceutical products that may comprise a carton for holding several of the blister packaging arrangements. According to Parker, the carton is provided with a hinged flap that can be opened and closed to allow one packaging arrangement to pass through, and additionally, the carton is located in a holder which may be free standing or wall mounted. See Parker at pages 4 and 5. In further contradistinction to the presently claimed subject matter, Parker does not describe an outer package having resilient tabs in the inside as a means for retention of the pack content. The outer package as described by the presently claimed subject matter includes a means for retention of the pack content, which allows for the pack content to be easily removed when required, but otherwise prevents the pack content from falling or slipping out of the outer package, even in the absence of a hinged lid, sealing strap or similar device. See the present specification at page 12, paragraph 5. Parker does not describe the use of resilient tabs in the inside of the outer package as a means of retention of the pack content in the outer package as recited by the presently pending claims. Accordingly, Parker does not describe each and every element of the presently claimed subject matter, as required

for anticipation under 35 USC § 102(b).

Pora does not describe each and every element of the presently claimed subject matter. Pora is directed to a unit dose packaging system comprising a base panel containing medication unit compartments and a cover panel overlying the base panel so as to accommodate relative movement of the cover panel and base panel between open and closed configurations. See Pora at column 3, lines 1-30. According to Pora, the packaging systems may be arranged in a row in a container, the structure of the container allowing the packages to be easily removed from the container one at a time. See Pora, column 5, lines 9-17. In contrast to the presently claimed subject matter, Pora does not describe an outer package having resilient tabs in the inside as a means for retention of the pack content. As previously discussed, the outer package as described by the presently claimed subject matter includes a means for retention of the pack content, which allows for the pack content to be easily removed when required, but otherwise prevents the pack content from falling or slipping out of the outer package, even in the absence of a hinged lid, sealing strap or similar device. See the present specification at page 12, paragraph 5. Pora does not describe the use of resilient tabs in the inside of the outer package as a means of retention of the pack content in the outer package as recited by the presently pending claims. Accordingly, Pora does not recite each and every element of the presently claimed subject matter, as required for anticipation under 35 USC § 102(b).

Volckening et al. does not describe each and every element of the presently claimed subject matter. Volckening et al. is directed to an envelope for the packing of a plurality of inner bags or packages. According to Volckening et al. the envelope

comprises a flexible folder to which one edge portion of the package is secured and a flap attached to overlie the front of the package. See Volckening et al. at column 1, lines 41-57. In contrast to the presently claimed subject matter, Volckening et al. does not describe an outer package having resilient tabs in the inside as a means for retention of the pack content as recited by the presently pending claims. As previously discussed, the outer package as described by the presently claimed subject matter includes a means for retention of the pack content, which allows for the pack content to be easily removed when required, but otherwise prevents the pack content from falling or slipping out of the outer package, even in the absence of a hinged lid, sealing strap or similar device. See the present specification at page 12, paragraph 5. Volckening et al. does not describe the use of resilient tabs in the inside of the outer package as a means of retention of the pack content in the outer package as recited by the presently pending claims. Accordingly, Volckening et al. does not recite each and every element of the presently claimed subject matter, as required for anticipation under 35 USC § 102(b).

Friberg et al. does not describe each and every element of the presently claimed subject matter. Friberg et al. is directed to a foldable blister pack for drugs comprising a rigid foil containing blister packages and another foil, referred to as the lid, which seals the opening of the blisters. See Friberg et al. at column 1, lines 6-14. In contrast to the presently claimed subject matter, Friberg et al. does not describe an outer package having resilient tabs in the inside as a means for retention of the pack content. As previously discussed, the outer package as described by the presently claimed subject matter includes a means for retention of the pack content, which allows for the pack

content to be easily removed when required, but otherwise prevents the pack content from falling or slipping out of the outer package, even in the absence of a hinged lid, sealing strap or similar device. See the present specification at page 12, paragraph 5. Friberg et al. does not describe the use of resilient tabs in the inside of the outer package as a means of retention of the pack content in the outer package as recited by the presently pending claims. Accordingly, Friberg et al. does not recite each and every element of the presently claimed subject matter, as required for anticipation under 35 USC § 102(b).

Fry et al. does not describe each and every element of the presently claimed subject matter. Applicants note that Fry et al. is only available for the purposes of this rejection under 35 USC § 102(e). Fry et al. is directed to a blister pack dispensing device comprising a housing for accommodating the blister pack, the housing comprising a first wall provided with a plurality of apertures arranged to correspond to blisters on the blister pack, a second opposing wall carrying a corresponding plurality of buttons, and a manually operable locking mechanism. See Fry et al. at paragraph [0006]. In contrast to the presently claimed subject matter, Fry et al. does not describe an outer package having resilient tabs in the inside as a means for retention of the pack content as recited by the presently pending claims. As previously discussed, the outer package as described by the presently claimed subject matter includes a means for retention of the pack content, which allows for the pack content to be easily removed when required, but otherwise prevents the pack content from falling or slipping out of the outer package, even in the absence of a hinged lid, sealing strap or similar device. See the present specification at page 12, paragraph 5. Fry et al. does not describe the

use of resilient tabs in the inside of the outer package as a means of retention of the pack content in the outer package as recited by the presently pending claims. Accordingly, Fry et al. does not recite each and every element of the presently claimed subject matter, as required for anticipation under 35 USC § 102(e).

Breu et al. does not describe each and every element of the presently claimed subject matter. Applicants note that Breu et al. is only available for the purposes of this rejection under 35 USC § 102(e). Breu et al. is directed to a packaging system for protecting blister sheets comprising a folding box having a carrier section. See Breu et al. at paragraph [0001]. According to Breu et al., the blister sheets are adhesively bonded to the carrier section of the packaging system. See Breu et al. at paragraph [0013], and Figures 1-6. In contrast to the presently claimed subject matter, Breu et al. does not describe an outer package having resilient tabs in the inside as a means for retention of the pack content. As previously discussed, the outer package as described by the presently claimed subject matter includes a means for retention of the pack content, which allows for the pack content to be easily removed when required, but otherwise prevents the pack content from falling or slipping out of the outer package, even in the absence of a hinged lid, sealing strap or similar device. See the present specification at page 12, paragraph 5. Breu et al. does not describe the use of resilient tabs in the inside of the outer package as a means of retention of the pack content in the outer package as recited by the presently pending claims. Accordingly, Breu et al. does not recite each and every element of the presently claimed subject matter, as required for anticipation under 35 USC § 102(e).

Patterson does not describe each and every element of the presently claimed

subject matter. Applicants note that Patterson is only available for the purposes of this rejection under 35 USC § 102(e). Patterson is directed to a childproof blister packaging comprising a blister pack, a second portion folded on top of the penetrable foil lid of the blister pack, and third portion folded on top of the second portion and sealed with a suitable adhesive. See Patterson at the abstract. In contrast to the presently claimed subject matter, Patterson does not describe an outer package having resilient tabs in the inside as a means for retention of the pack content. As previously discussed, the outer package as described by the presently claimed subject matter includes a means for retention of the pack content, which allows for the pack content to be easily removed when required, but otherwise prevents the pack content from falling or slipping out of the outer package, even in the absence of a hinged lid, sealing strap or similar device. See the present specification at page 12, paragraph 5. Patterson does not describe the use of resilient tabs in the inside of the outer package as a means of retention of the pack content in the outer package as recited by the presently pending claims. Accordingly, Patterson does not recite each and every element of the presently claimed subject matter, as required for anticipation under 35 USC § 102(e).

ColDepietro et al. does not describe each and every element of the presently claimed subject matter. ColDepietro et al. is directed to a packaging system for storing and dispensing individual doses of medication, comprising a series of sheets adapted to fold over each other with doses of medication removably held thereon. See ColDepietro et al. at the abstract. In contrast to the presently claimed subject matter, ColDepietro et al. does not describe an outer package having resilient tabs in the inside as a means for retention of the pack content. As previously discussed, the outer package as described

by the presently claimed subject matter includes a means for retention of the pack content, which allows for the pack content to be easily removed when required, but otherwise prevents the pack content from falling or slipping out of the outer package, even in the absence of a hinged lid, sealing strap or similar device. See the present specification at page 12, paragraph 5. ColDepietro et al. does not describe the use of resilient tabs in the inside of the outer package as a means of retention of the pack content in the outer package as recited by the presently pending claims. Accordingly, Patterson does not recite each and every element of the presently claimed subject matter, as required for anticipation under 35 USC § 102(e).

Applicants respectfully submit that none of the cited references teach each and every element of the presently claimed subject matter, as required for anticipation under 35 USC § 102(b or e). Therefore, Applicants respectfully request that the Examiner reconsider and withdraw the rejection of pending claims 1, 3-7 and 10-19 under 35 USC § 102(b or e).

Regarding the obviousness rejection of claims 1-19 under 35 USC § 103(a), Applicants respectfully traverse this rejection. To establish a prima facie case of obviousness, the PTO must satisfy three requirements. First, as the U.S. Supreme Court recently held in *KSR International Co. v. Teleflex Inc. et al.*, Slip Opinion No. 04-1350, 550 U.S. ____ (April 30, 2007), "a court must ask whether the improvement is more than the predictable use of prior art elements according to their established functions. ...it [may] be necessary for a court to look to interrelated teachings of multiple patents; the effects of demands known to the design community or present in the marketplace; and the background knowledge possessed by a person having ordinary

skill in the art, all in order to determine whether there was an apparent reason to combine the known elements in the fashion claimed by the patent at issue. ...it can be important to identify a reason that would have prompted a person of ordinary skill in the relevant field to combine the elements in the way the claimed new invention does... because inventions in most, if not all, instances rely upon building blocks long since uncovered, and claimed discoveries almost of necessity will be combinations of what, in some sense, is already known.” (*KSR*, supra, slip opinion at 13-15). Second, the proposed modification of the prior art must have had a reasonable expectation of success, determined from the vantage point of the skilled artisan at the time the invention was made. *Amgen Inc. v. Chugai Pharm. Co.*, 18 USPQ 1016, 1023 (C.C.P.A. 1970). Lastly, the prior art references must teach or suggest all the limitations of the claims. *In re Wilson*, 165 USPQ 494, 496 (C.C.P.A. 1970).

As previously discussed, none of the cited references, either taken alone or in combination, teach or suggest the use of resilient tabs in the inside of the outer package as a means of retention of the pack content in the outer package as recited by the presently pending claims. Thus, none of the cited references, either taken alone or in combination, teach or suggest all the elements of the presently pending claims as required by *In re Wilson*. Accordingly, none of the cited references render pending claims 1, 3-7 and 10-19 obvious within the meaning of 35 USC § 103 (a). Accordingly, the Examiner is respectfully requested to withdraw this rejection.

Conclusion

Based upon the above amendment and remarks, the presently claimed subject matter is believed to be novel and patentably distinguishable over the prior art of record. The Examiner is therefore respectfully requested to reconsider and withdraw the pending rejections and allow pending claims 1, 3-7 and 10-19 of this application. Favorable action with an early allowance of the claims pending in this application is earnestly solicited.

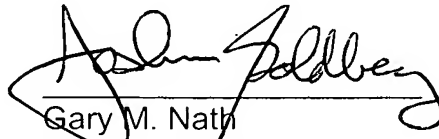
The Examiner is welcomed to telephone the undersigned attorney if she has any questions or comments.

Respectfully submitted,

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